

Council Senate Members

VICKI COCCHIARELLA
BRENT CROMLEY
DUANE GRIMES
BOB KEENAN
JON TESTER
FRED THOMAS



Council House Members

ROY BROWN
KIM GILLAN
GEORGE GOLIE
JEFF LASZLOFFY
DOUG MOOD
DAVID WANZENRIED

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MINUTES

February 7, 2003

Room 335, State Capitol
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.

Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.

COMMITTEE MEMBERS PRESENT

Sen. Vicki Cocchiarella
Sen. Brent Cromley
Sen. Duane Grimes
Sen. Bob Keenan
Sen. Jon Tester
Sen. Fred Thomas
Rep. Roy Brown
Rep. Kim Gillan
Rep. George Golie
Rep. Jeff Laszloffy
Rep. Dave Wanzenried

COMMITTEE MEMBERS EXCUSED

Rep. Doug Mood

STAFF PRESENT

Lois Menzies, Executive Director, Legislative Services Division (LSD)
Greg Petesch, Director, Legal Services Office, LSD
Dave Bohyer, Director, Office of Research and Policy Analysis, LSD
Todd Everts, Director, Legislative Environmental Policy Office, LSD
Hank Trenk, Director, Office of Legislative Information Technology, LSD

COMMITTEE ACTION

- ! Elected Rep. Gillan as chair and Sen. Keenan as vice chair
- ! Adopted minutes from November 19, 2002 meeting
- ! Approved 2003 session employee pay plan

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:05 a.m. by Sen. Thomas, the Council's senior Senate member. Sen. Thomas opened the floor for nomination of officers.

Rep. Laszloffy nominated Rep. Gillan as chair. There were no further nominations. Rep. Gillan was elected as chair by unanimous vote.

Sen. Grimes nominated Sen. Keenan as vice chair. There were no further nominations. Sen. Keenan was elected as vice chair by unanimous vote.

Sen. Thomas turned the meeting over to Rep. Gillan.

MINUTES FROM NOVEMBER 19, 2002 MEETING

Sen. Grimes moved that the minutes from the Legislative Council's November 19, 2002 meeting be adopted. The motion passed unanimously.

2003 PAY PLAN FOR SESSION EMPLOYEES

Lois Menzies, Executive Director, LSD reviewed the session employee pay matrix for Senate, House, and Legislative Services Division employees for the 58th Legislature. (EXHIBIT #1) She explained that session employees are classified according to the Legislative Branch classification plan. A session employee with no legislative experience is paid at the entry rate (step 1). An employee may advance one step for each session served up to a maximum of five steps. Ms. Menzies further noted that positions classified at levels A through F earn 1.5 hours of pay for each hour worked in excess of 40 hours a week. Positions classified at level G through K earn 1.0 hour of compensatory time for each hour worked in excess of 40 hours a week.

Sen. Cocchiarella moved adoption of the pay plan for session employees. The motion was approved by unanimous vote.

STATUS OF LEGISLATIVE COUNCIL LEGISLATION

Ms. Menzies provided an update on the status of the seven bills requested by the Legislative Council this session. (EXHIBIT #2, side one).

Sen. Grimes noted that HB 41, which is currently tabled in the Senate Legislative Administration Committee, will likely be acted upon. Rep. Golie urged that the Senate committee reconsider its action noting that the Legislative Council had invested a considerable amount of time in addressing the issue of appointment of legislators to interstate and international committees.

Sen. Keenan said that he needed to follow up on the bill and get some questions answered.

STATUS OF LSD PROPOSED BUDGET FOR FY2004-05

Lois Menzies provided an update on the Legislative Services Division's proposed budget. (EXHIBIT #2, side two) She explained that the legislative division directors met with House and Senate majority and minority leadership in mid-January and offered approximately \$1.9 million in reductions for the 2005 biennium. The reductions were approved by leadership and later by the General Government and Transportation Subcommittee.

Rep. Golie questioned whether the interim committees, given their heavy workloads, could get their work done with one less meeting. Sen. Cocchiarella asked whether all funding for the Council of State Governments' (CSG) dues was eliminated in the proposed budget. Ms. Menzies said that although an amount equivalent to the CSG dues was offered as part of the Branch reduction, the Branch directors asked for the flexibility to manage these reductions and to distribute them in a reasonable manner. She said that there is a potential for CSG to receive partial payment of dues during the next biennium. Sen. Grimes asked about support for the Legislative Automated Workflow System (LAWS). Ms. Menzies explained that the FY2004-05 budget will be used to maintain the system; there will not be funds for major enhancements or developments.

BILL DRAFTING UPDATE

Lois Menzies provided a comparison of LSD bill drafting activity as of the 26th legislative day in 2001 and 2003. (EXHIBIT #3) She noted that legislators need to pick up the bills that are ready for introduction. In addition, for those bills that have not yet been drafted, legislators need to get the necessary information to drafters as soon as possible so that the drafts may be completed.

Sen. Cocchiarella said that she was very impressed with quality and speed that legislation has been drafted. She said that the staff has done an incredible job. Sen. Thomas and Rep. Brown agreed. Sen. Thomas asked Greg Petesch, Director, Legal Services Office for his assessment of the bill drafting process this session. Mr. Petesch said that generally the LSD is in decent shape in processing the bills; however, if the bills on hold move into an active status, the LSD will have trouble processing them in a timely fashion. He said that usually if a bill is not through the bill drafting process by February 14, it is at risk in missing the transmittal deadline. Mr. Petesch further noted that the LSD is giving some priority to general bills over revenue bills. Sen. Grimes asked whether legislators continue to add delayed effective dates and contingency provisions to their bills. Mr. Petesch said that this continues to be a problem. Sen. Cocchiarella expressed concern about the number of bills that are still being processed and the ability of the Legislature to get its work done before transmittal. Rep. Golie said that individual legislators ought to take more responsibility for their legislation.

INTRODUCTION OF LSD MANAGEMENT TEAM

For the benefit of those Council members have not met the LSD management team, Ms. Menzies introduced Greg Petesch, Dave Bohyer, Todd Everts, and Hank Trenk.

OTHER BUSINESS

Greg Petesch informed the Council that the Secretary of State has rejected the filing of the redistricting plan and filed a declaratory judgement action against the Districting and Apportionment Commission to determine the validity of HB 309 and the redistricting plan. The LSD provides legal services to both the Legislature and the Districting and Apportionment Commission. Mr. Petesch said that he has determined that the LSD has a conflict of interest in representing the Commission because the defense will entail a challenge of the validity of HB 309. He requested the Attorney General to assume the defense of the Commission, and the Attorney General has agreed to do so. The Attorney General may charge the LSD for these expenses. If the LSD is billed for legal services, these expenses will be paid from the interim committees and activities budget. This may reduce the interim committees' start-up funds.

ADJOURNMENT

The meeting adjourned at 7:50 a.m.